

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Revisions to Public Inspection File)	MB Docket No. 16-161
Requirements – Broadcaster Correspondence)	
File and Cable Principal Headend Location)	
)	

Comments of WTA – Advocates for Rural Broadband

WTA-Advocates for Rural Broadband (“WTA”)¹ hereby submits these comments in response to the Notice of Proposed Rulemaking (“NPRM”)² seeking comment on elimination of the requirement that cable operators maintain for public inspection the designation and location of the cable system’s principal headend. Eliminating the requirement that every cable system retain principal headend location documentation in a public inspection file in favor of a “disclosure upon request” requirement will reduce—not increase—compliance burdens for the vast majority of cable and IPTV operators.

I. The Commission Should Eliminate the Requirement that Cable Operators Retain Information About Their Principal Headends in Their Public Inspection Files.

Although many of WTA’s members are exempt from other aspects of the Commission’s public inspection file requirements due to their small size, without the Commission’s action in this proceeding “every cable television system” will be required

¹ WTA – Advocates for Rural Broadband is a national trade association representing more than 300 rural telecommunications providers offering voice, broadband and video-related services in rural America. WTA members serve some of the most rural and hard-to-serve communities in the country and are providers of last resort to those communities.

² *Revisions to the Public Inspection File Requirements – Broadcaster Correspondence File and Cable Principal Headend Location*, FCC 16-62, MB Docket No. 16-161 (rel. May 25, 2016) (“*Principal Headend NPRM*”).

to continue making principal headend location information available to the public pursuant to Section 76.1708(a) of the Commission's rules.

As the Commission recognizes in its NPRM, the general public likely has no need or interest in information regarding the designation and location of a cable system's principal headend.³ WTA's members have never received an inquiry from the general public regarding the location of its principal headend, and this lack of inquiry leads WTA to believe that the general public served by its members has no interest in the location or likely even knowledge regarding the existence of headends as a component in delivery of cable video services. Considering the lack of knowledge or interest by the general public in principal headend information, requiring retention of principal headend information in public inspection files on a going-forward basis is unnecessary for the protection of consumers, particularly if such information will continue to be available to regulators and other interested parties upon request as proposed below.

II. The Commission Should Require Cable Operators to Make Principal Headend Information Available to Regulators, including the Commission, and Broadcast Stations Within 30 Days of a Request.

In proposing to eliminate the public inspection file requirement's principal headend provision, the Commission asks whether the benefits of eliminating the requirement outweigh the cost if information regarding principal headend were to be available to the Commission, television stations and/or local franchising authorities by other means.⁴ Consistent with WTA members' experience with the general population, no WTA members report having ever received an inquiry from their local regulators, the Commission, or local broadcast stations regarding the location of the principal headend.

³ *Id.*, ¶ 12.

⁴ *Id.*, ¶ 14.

WTA agrees that the benefits of eliminating the requirement will outweigh the costs, particularly considering the lack of ongoing third-party interest in headend information.

The Commission asks whether principal headend information should be included on other forms already filed with the Commission or any alternative means for collection.⁵ However, requiring operators to include principal headend information on forms filed with the Commission would not eliminate the requirement as the Commission intends here but would merely transition where the information is reported and stored. For example, operators would need to amend previously filed Forms 322 (Cable Community Registration) and pay the associated filing fee. Similarly, Form 324 is only filed when operational changes occur and filing of Form 325 is not a requirement applicable to all cable systems.⁶ Rather than add to existing reporting burdens, the Commission should simply require that cable operators disclose principal headend information to regulators (including the Commission and local franchising authorities) and broadcast stations upon request within a reasonable period (for example, within 30 days).

Were the Commission to decide that cable operators must include principal headend information in current filings rather than adopt an “upon request” approach, under no circumstances should it increase the scope of cable operators that must file Form 325. Small cable systems should be permitted to provide headend information upon request.

⁵ *Id.*, ¶ 15.

⁶ Cable systems with fewer than 20,000 subscribers are exempt from mandatory filing of FCC Form 325.

Although adopting an “upon request” requirement could potentially result in additional burdens in some circumstances, given the historical lack of interest in headend information experienced by its members WTA does not oppose operators providing such information to parties that require headend information for ongoing regulatory investigation and enforcement purposes or in order to facilitate reception of local broadcast signals. Were headend information deemed necessary for such purposes, operators should be required to disclose it to regulators upon request. For example, cable operators should be required to provide headend information to assist the Commission in resolving a signal leakage complaint.⁷

Similarly, although “television stations must have access to this information in order to exercise their must-carry rights,”⁸ preservation of must-carry broadcast station access to headend information is less concerning because many small cable providers operate well-beyond the reach of local digital broadcast signals and the majority of broadcast stations they distribute are not must-carry stations. The Commission should also keep in mind that in the vast majority of circumstances broadcast stations do not ever inquire as to the location of the cable operator’s headend but rather place the entirety of the burden regarding signal reception on the cable operator through terms demanded in retransmission consent negotiations. Therefore, it is unlikely that many—if any—broadcast stations will request headend information and a “disclosure upon request” requirement will most likely reduce, rather than increase, small cable operator reporting burdens.

⁷ *Principal Headend NPRM*, ¶ 13 (stating that principal headend information is necessary for the Commission to enforce its signal leakage rules and respond to signal leakage complaints).

⁸ *Id.*, ¶ 13.

With respect to the format and timing of requests for principal headend information and cable operator responses, the Commission should require requestors to submit their requests via certified mail and require a cable operator response via certified mail within 30 days of receipt. Requiring written requests and responses to be sent via certified mail would allow such requests and responses to be more accurately tracked by both parties and also aligns with existing notification procedures.⁹ A 30-day response period would provide sufficient time for cable operators to review the legitimacy of the requests, seek legal counsel if necessary and respond appropriately. WTA notes that a 30-day window is substantially shorter than existing notification requirements that operators advise must-carry broadcast stations at least 60 days prior to any change in the designation of a principal headend¹⁰ and corresponds with the existing requirement that operators file Forms 324 within 30 days of any operational changes to its system.¹¹

Finally, WTA shares the concerns referenced in the NPRM that providing principal headend information to parties without a legitimate need for the information or permitting the information to be further disclosed implicates security concerns.¹² There is no reasonable justification for why a regulator or broadcast station would need to disclose principal headend information or use such information for purposes other than a regulatory investigation or resolution of a carriage dispute. Principal headend location information is sensitive from a network security perspective and should remain

⁹ See 47 C.F.R. § 76.1607 (requiring notification of changes in designation of principal headends to be made by certified mail).

¹⁰ See 47 C.F.R. § 76.1607.

¹¹ See 47 C.F.R. § 76.1610 (requiring that notification “must be done within 30 days from the date the change occurs”).

¹² *Principal Headend NPRM*, ¶ 12 (noting concerns of potential security risks associated with disclosure of principal headend locations online).

confidential in order to preserve the integrity and security of cable systems nationwide, particularly in an age in which physical and cyber attacks on networks are increasing. The Commission should accordingly require entities that obtain headend information pursuant to the rules adopted in this proceeding to keep such information confidential and only used for legitimate regulatory or carriage-related purposes.

Respectfully Submitted,

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